

**REMARKS**

Applicant, by the amendments presented above, has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance.

***Claim Rejections***

The claims have been rejected under 35 U.S.C. §102(b) based on U.S. Patent No. 5,621,864 (Benade et al.). Although Applicant believes that the claims are allowable over Benade et al., Applicant has further amended claims 1 and 9 to further distinguish the invention from that which is disclosed in Benade et al., and expedite prosecution. Applicant respectfully submits that the pending claims as amended are allowable over Benade et al.

For example, claim 9 specifically claims a method of creating a printer label format by scanning a printed label, using the scanned label to generate a label format using optical character recognition (OCR) (wherein text is recognized as text, graphics is recognized as graphics, and any items which are not specifically recognized is characterized as a graphic), and then using the label format created from the scanned label to print labels similar in format to the label which was scanned and used to create the label format. This is not disclosed or suggested by Benade et al.

Serial No.: 10/015,876

Art Unit: 2876

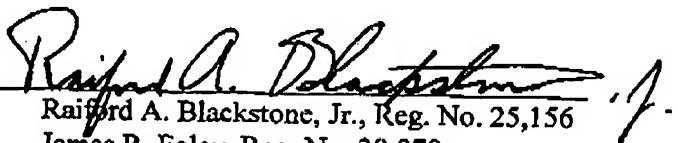
Page 6

The bottom line is that the present invention deals with scanning a label in order to determine the label's format, and then being able to use that format to print more labels (most likely containing different data, etc. in the fields). While Benade et al. discloses a label generator which can be used by a person to create a label format, the label generator does not use a scanned label to create the label format. (See, for example, col. 7, lines 29-30 ("Template generator 111 is typically a library of standard label designs or formats that can be selected by the user"); and col 7, lines 45-47 ("The user, via user interface 114, defines the type and character of the variable format template fields to be produced")). The only relevancy Benade et al. has to scanning a label is that the reference mentions the fact that, once a format has been defined and a label printed, the resulting label includes a machine readable section (i.e., the label is scannable). The reference does not discuss scanning the label to generate a label format, yet this is the essence of the present invention.

Applicant respectfully submits that the claims are allowable over Benade et al., and respectfully requests passage to issuance. Should the present claims not be deemed adequate to effectively define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,

Date: May 3, 2004

By:   
Raiford A. Blackstone, Jr., Reg. No. 25,156  
James R. Foley, Reg. No. 39,979  
Attorneys for Applicant  
TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.  
105 West Adams Street, 36th Floor  
Chicago, Illinois 60603-6299  
Tel: (312) 704-1890

654843.WPD

Serial No.: 10/015,876

Art Unit: 2876

Page 2